

CONFIDENTIAL

15 NOV 1978

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MEMORANDUM TO: Robert W. Gambino
Chairman, DCI Security Committee

THROUGH:

Executive Secretary
DCI Security Committee

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FROM:

Staff, DCI Security Committee

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SUBJECT: SCI Denials Working Group - Final Report
on Appeal Procedures

1. There is attached hereto, identified as Tab A, the report of the Acting Chairman, SCI Denials Working Group which forwarded the final draft of recommended appeals procedure.

2. There is also attached a proposed memorandum to all members of the Security Committee which forwards the recommended Appeals Procedure to all members for their consideration and discussion, as appropriate, at the next scheduled Security Committee meeting. (see Tab B).

3. In view of the controversial nature of this proposal, it is not recommended that the matter be submitted as an agenda item for a vote at the next meeting. This recommended course of action is believed to be consistent with your request at the last Security Committee meeting that the Security Committee principals review the Working Group draft, primarily, in view of the unilateral action taken by the Navy to implement their own SCI Appeal Procedures.

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4. In addition thereto, there is also attached a memorandum which concerns itself with the position taken by [redacted] that the organization he represents cannot concur in, nor comply with the recommendations of the Working Group. This memorandum, entitled "Proposed Appeal Procedures for SCI Approval" is identified as Tab C.

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5. As you will recall, [redacted] OGC, has recommended that the proposed SCI Appeal Procedures make provision for DCI overview and/or contain a provision that the DCI will be the final appeal for any and all SCI denial cases. This is in direct conflict with the recommendation of the Working Group that the SIO will have final appeal authority in such cases originating under his individual jurisdiction. This latter point is referred to by [redacted] in his memorandum of 8 November 1978 (see Tab A).

6. I am personally convinced that there is no need for DCI overview as recommended by [redacted]. I further submit that it is inconsistent with other provisions of DCID 1/14 which have delegated all other authorities relating to the investigation, adjudication, and administration of SCI within their respective jurisdictions. It is also believed that the individual SIOs would misinterpret any attempt by the DCI to become involved in SCI appeals as an infringement upon their individual prerogatives. In conclusion, it is believed that the draft, as presented by the Working Group would accomplish the desired objective, i.e. the establishment of a simplified, streamlined, minimum SCI Appeals Procedure that still permits the individual SIOs to retain authority delegated to them under DCID 1/14 and to administer an appeals procedure in a uniform manner, consistent with the requirements of the individual agencies.

[redacted]